HON'BLE SRI JUSTICE D.S.R.VARMA
AND
HON'BLE SRI JUSTICE D.APPA RAO

TAKEN UP W.P.NO.23272 OF 2005

DATED: 30.7.2007

Between:

Hafeeza Begum

… Petitioner

and

The SHO, Kalapather Police Station,
Hyderabad and others

…
Respondents

HON'BLE SRI JUSTICE D.S.R.VARMA
AND
HON'BLE SRI JUSTICE D.APPA RAO

TAKEN UP W.P.NO.23272 OF 2005

ORAL ORDER: (per DSRV.J)

Heard the learned Government Pleader for Home, appearing for the respondents.

2. This writ petition is taken up on the basis of a "telegram", dated 22.10.2005, by one Hafeeza Begum, W/o. Ayub Khan, R/o. H.No.19-2-148/4, Tadban, Kalapather, Near P.S. Kalapather, Hyderabad, to the Hon'ble the Chief Justice, High Court of Andhra Pradesh, Hyderabad, alleging that her husband was subjected to harassment by the 2nd respondent-DCP, South Zone, Hyderabad; that her husband was involved in false cases; that he was missing for the last 15 days and seeks a direction to the respondents to enquire into the matter since the petitioner is apprehending that her husband might have been killed by the police in an encounter in view of the personal grudge.

3. A counter-affidavit has been filed by the 2nd respondent-DCP, Hyderabad, alleging that the husband of the petitioner is involved in as many as 30 criminal cases, which were registered since 1989 till 2005. However, he is required as of date in Crime No.120/05 of Dabeerpura Police Station and Crime No.83/02 of Hussaini Alam Police Station. It could be further seen from the material facts stated in the counter-affidavit that a case in Cr.No.6 of 2007 has been registered against the husband of the petitioner

and others subsequent to the telegram on which this writ petition has been taken up.

4. In view of the above facts and circumstances, the learned Government Pleader for Home submits that the allegation that the alleged detenu might have been killed in an encounter is, ***ex facie***, untrue and wild in nature. The husband of the petitioner is most wanted person in many cases, of course, as of now in (3) cases, which offences alleged to have been committed by him are very grave in nature.

5. Hence, we agree with the submission made by the learned Government Pleader for Home and having regard to the facts and circumstances stated in the counter-affidavit, we are of the view that the apprehension of the petitioner that her husband might have been killed by the police, in order to wreak vengeance, cannot be accepted at this stage, nor is it the concern of this Court about such personal vendetta, if any. What all required in this case is safety of the husband of the petitioner and if required by law, the same shall be permitted to take its own course.

6. Accordingly, we direct the Commissioner of Police, Hyderabad, to intensify the search of the husband of the petitioner and report to the Registrar (Judicial), High Court of A.P., Hyderabad, as and when his whereabouts are traced.

7. With the above direction, the writ petition is closed, at the stage of admission. No order as to costs.

D.S.R.VARMA, J

D.APPA RAO, J

Date: 30.7.2007
cvm